

APPEAL NO. 041762  
FILED SEPTEMBER 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 29, 2004. The hearing officer determined that the appellant/cross-respondent (claimant) reached maximum medical improvement (MMI) on July 30, 2003, with a 5% impairment rating (IR) as assigned by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The claimant appealed the hearing officer's IR determination. The respondent/cross-appellant (carrier) asserted on appeal that the hearing officer's Finding of Fact No. 4 contained a typographical error and requested that it be reformed to reflect that the designated doctor assigned a 5% IR, rather than a 20% IR. The carrier responded to the claimant's appeal and urged affirmance of the hearing officer's IR determination.

DECISION

Affirmed, as reformed.

It is undisputed that the claimant sustained a compensable injury on \_\_\_\_\_, that the designated doctor is Dr. C, and that the claimant reached MMI on July 30, 2003, as certified by the designated doctor. For a claim for workers' compensation benefits based on a compensable injury that occurs on or after June 17, 2001, Section 408.125(c) provides that the designated doctor's report has presumptive weight, and the Commission shall base its determination of IR on that report unless the great weight of the other medical evidence is to the contrary. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a Commission request for clarification is considered to have presumptive weight. In this case, the hearing officer reviewed the designated doctor's report and his response to the Commission's request for clarification and determined that the great weight of the other medical evidence was not contrary to the designated doctor's assigned 5% IR. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We reform Finding of Fact No. 4 to correct the typographical error to conform to the hearing officer's Conclusion of Law No. 4 and Decision and Order. The record reflects that the designated doctor assigned the claimant a 5% IR. Finding of Fact No. 4 is reformed to state that the designated doctor assigned the claimant a 5% IR.

The hearing officer's decision and order are affirmed, as reformed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge